

### Remarks

Applicant has discovered an error in Claim 25 in that the formula added in this amendment should not have been omitted from the claim. This formula is present in allowed Claim 47, where "X" is a double bond, and it covers Examples 5 and 9, which otherwise are outside the scope of Claim 25. Thus, unless Claim 25 is amended, Claim 47 would be broader in this respect broader than Claim 25 does include Examples 5 and 9. The formula added to Claim 25 was the first formula in Claim 1 in the application as filed, where "Y" is oxygen, so no new matter is added. As this amendment to Claim 25 is simply a correction to the claim and places the application in better condition for appeal, the Examiner is respectfully requested to enter this amendment.

The Examiner is respectfully requested to reconsider the rejection of some of Applicant's dependent claims under 35 U.S.C. 112 because they are more narrowly drawn than Claim 25 and are supported by working examples:

Claim 29 is directed to the stabilizer cis-1,4-dibenzyloxy-2-butene. Applicant's Example 4 provides a working example of this stabilizer, so Claim 29 is certainly enabled by Applicant's specification.

Claim 30 is specifically directed to a phthalan stabilizer. Applicant's Example 2 provides a working example of this stabilizer.

Claims 31 and 32 are directed to stabilizers where the "X" group is a double bond. Applicant's Examples 3, 4, and 5 provide working examples of stabilizers where "X" is a double bond. The only difference between Claims 31 and 32 and allowed Claim 47 is in

the scope of the various "R" groups.

Claim 33 is directed to a more limited definition of the R group.

Claim 34 is directed to the first and second formulas in Claim 25. Applicant's Examples 3 and 4 illustrate the first formula and Applicant's Examples 6, 7, and 8 illustrate the second formula.

Claim 35 is virtually identical to the second formula in allowed Claim 47, being broader only in the amount of stabilizer that can be used.

Claim 37 is directed to stabilizers where R is benzyl. Appellant's Examples 3 and 4 illustrate stabilizers with a benzyl group.

Claim 38 is directed to stabilizers where  $R_1$  is hydrogen. When  $R_1$  is hydrogen Claim 25 becomes almost identical to allowed Claim 47, differing primarily in the definition of "X" and Applicant has provided working examples of each of the three groups included in "X."

Claims 39 and 40 are directed to narrower definitions of  $R_2$  and  $R_3$  and therefore Claims 39 and 40 are more enabled by Applicant's specification.

Claim 41 is directed to a ring structure, which is illustrated by Example 7.

Claim 42 is directed to six stabilizer formulas where the "X" group is either a double bond, a triple bond, or a benzene ring. All of the formulas in Claim 42 fall within the scope of the first formula in Claim 25. In the first two formulas in Claim 42 the "X" group is a double bond. Applicant's Examples 3 and 4 illustrate a double bond in a similar compound. In the third formula in Claim 42 (first formula in the second row) the "X" group is a triple bond. Applicant's Examples 9 and 10 illustrate a triple bond in a similar compound. In the

last three formulas in Claim 42 the "X" group is a benzene ring. Applicant's Example 11 illustrates a benzene ring in a similar compound. Thus, Applicant has a working example that illustrates each of these formulas.

Claim 43 is directed to two stabilizer formulas where the "X" group is either a double bond or a benzene ring. These two formulas fall within the scope of the fourth formula in amended Claim 25 (the middle formula in the second row). The stabilizer of the first formula in Claim 43 is illustrated by Applicant's Examples 6 and 7. The stabilizer of the second formula in Claim 43 is illustrated by Applicant's Example 8.

Claim 44 is directed to two stabilizer formulas where the "X" group is a double bond. These two formulas correspond to the first and second formulas in Claim 25. The stabilizer of the first formula in Claim 44 is illustrated by the stabilizer used in Applicant's Examples 3 and 4. The stabilizer of the second formula in Claim 44 is similar to the stabilizers used in Applicant's Example 6 and 7. The formulas in Claim 44 are the same as two of the formulas in allowed Claim 47, except that  $R_1$  and  $R_2$  are used instead of hydrogen.

The Examiner is respectfully requested to consider the allowance of these dependent claims because they are more narrowly drawn and either exactly cover a working example or are very close to a working example. The allowance of dependent claims reduces the issues that need to be considered on appeal.

Applicant has previously canceled subject matter from independent Claims 25 and 44 and has significantly limited the scope of these claims by, for example, changing the original "Y" group to only oxygen. It is believed that the remaining subject matter is within

the normal range of equivalents that is permitted in chemical patents.

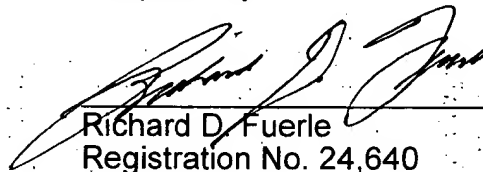
The subject matter of Claims 25 and 44 is not significantly broader than the subject matter of Claim 47, which was allowed.

Applicant has provided eleven working examples of the use of polymer-stabilizer mixtures that illustrate the formulas in his broadest claim, Claim 25. Of those eleven working examples, ten of the stabilizers were purchased and one was made following the procedure given in a U.S. patent (page 11, lines 7 to 9, of Applicant's specification). Applicant has, in his specification, described procedures for preparing the stabilizers and has cited procedures in the literature for the preparation the stabilizers (page 7, lines 2 to 8; page 9, lines 4 to 7; and page 12, lines 24 and 25). Applicant also filed a Declaration under 35 U.S.C. 132 describing the preparation of the stabilizers and citing literature references to their preparation. The range of compounds claimed is not believed to be unreasonable in view of current practice in chemical patent applications.

Finally, Applicant is not claiming the stabilizers themselves, many of which are known and even commercially available. Applicant is claiming a composition in which stabilizers are a component. Thus, Applicant's claims would not be infringed by anyone making, selling or using any of the stabilizers that fall within the scope of the formulas in Applicant's claims (other than use in Applicant's claimed polymer-stabilizer composition), nor by the use of any of these stabilizers in any other type of composition. For that reason, the standard of enablement under 35 U.S.C. 112 should not be as strictly interpreted as when the compounds themselves are being claimed.

In view of the foregoing, Applicant submits that his application meets the requirements of 35 U.S.C. 112 and should be allowed. If the Examiner has any remaining problems with the application, he is invited to call Applicant's attorney at (716) 774-0091 to resolve them.

Respectfully,



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